

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Fifteenth Congress

October 26, 2017

Elaine C. Duke
Acting Secretary
U.S. Department of Homeland Security
Washington, DC 20538

Dear Acting Secretary Duke:

It has come to our attention that the Department of Homeland Security (DHS) is currently detaining a 10-year-old child with cerebral palsy. According to news reports, Rosamaria Hernandez was brought to the United States as a baby and was detained when her ambulance crossed a Border Patrol checkpoint traveling from Laredo to Corpus Christi.¹

It is reported the Border Patrol agents followed the ambulance to the hospital, waited outside her hospital room and took the post-operative child into custody after she was released by the hospital. This 10-year-old disabled child had just received emergency gall bladder surgery and instead of being released to her family who can properly care for her, she was taken into the custody of Customs and Border Patrol agents who have no training in child welfare or medical care.

The Trump Administration has repeatedly told the American people that DHS enforcement efforts regarding immigration detention and deportation would focus on the “bad hombres” and the “gang members.” Rosamaria Hernandez is neither. She is a vulnerable, disabled child who recently underwent a surgical operation. She needs to be with her family and not in immigration custody.

This is yet another example of the Trump Administration failing to follow DHS Sensitive Locations guidelines.² The DHS Sensitive Location memo states that enforcement actions shall not occur at hospitals unless there are exigent circumstances. These exigent circumstances include national security, terrorism, an imminent risk of death, violence or physical harm, or an imminent danger to public safety.

¹ Scott Neuman and John Burnett, *10-Year-Old Girl is Detained by Border Patrol After Emergency Surgery*, NPR (October 26, 2017) available at: <http://www.npr.org/sections/thetwo-way/2017/10/26/560149316/10-year-old-girl-is-detained-by-ice-officers-after-emergency-surgery>

² See Also, John Burnett, *Border Patrol Arrests Parents While Infant Awaits Serious Operation*, NPR (September 20, 2017) available at: <http://www.npr.org/2017/09/20/552339976/border-patrol-arrests-parents-while-infant-awaits-serious-operation>

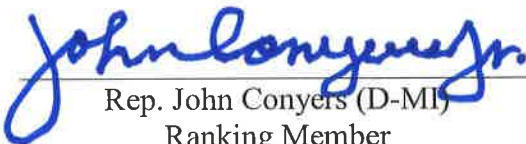
In this case, this vulnerable child presented no risk of terrorism, danger to the community, nor to the public safety. On the contrary, DHS's decision to detain a 10-year-old child with cerebral palsy who just received emergency surgery only risks the child's life and her well-being. It increases her risk of post-operative infection and medical complications.

This Administration's decision to continue to target immigrants at hospitals and other sensitive locations does nothing more than instill a community wide fear that there is no safe place in America for an immigrant. This is particularly destructive to our society because it results in immigrants not seeking medical care,³ or not seeking medical care for their children.⁴

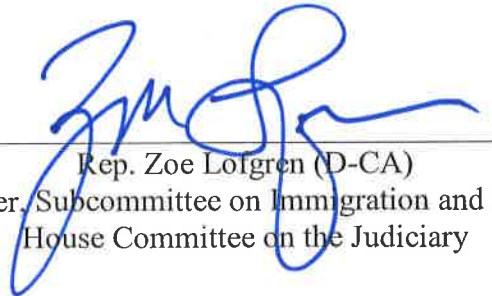
We are concerned that the detention of this 10-year-old child is a result of an unjust, inhumane immigration enforcement policy that has shown no mercy, not even for sick, disabled children.

We trust that you will attend to this with the utmost urgency and will do everything in your power to rectify the matter promptly.

Sincerely,



Rep. John Conyers (D-MI)
Ranking Member
House Committee on the Judiciary



Rep. Zoe Lofgren (D-CA)
Ranking Member, Subcommittee on Immigration and Border Security
House Committee on the Judiciary

cc: Chairman Bob Goodlatte

³ Jan Hoffman, *Sick and Afraid, Some Immigrants Forgo Medical Care* *The New York Times* (June 26, 2017) available at: https://www.nytimes.com/2017/06/26/health/undocumented-immigrants-health-care.html?_r=0

⁴ Elisha Waldman, Associate Chief of the Division of Palliative Care at Lurie Children's Hospital of Chicago, *Immigration fears are preventing children from getting medical care*, *The Washington Post* (June 30, 2017) available at: https://www.washingtonpost.com/opinions/immigration-fears-are-preventing-children-from-getting-medical-care/2017/06/30/66f92d76-4c8f-11e7-9669-250d0b15f83b_story.html?utm_term=.4b12dc055dbb